REMARKS

Claims 1, 2, 12-15, 25-27, and 32-34 have been amended to clarify the invention. Claims 1-34 remain pending.

The Examiner has objected to the drawings with the assertion that they fail to comply with 37 CFR 1.84(p)(5) because they include the following reference numbers not mentioned in the specification: Figure 1B, elements 124 and 150. These references have been removed from replacement Figure 1B, which is attached.

The Examiner has also objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference sign 462 for Figure 4 as mentioned in the description on page 19, which refers to this element as 62. The specification has been amended to correct this typographical error and change reference 62 to 462.

The Examiner rejected claims 1-3, 5-16, and 18-34 under 35 U.S.C. §102(a) as being anticipated by Watson et al. (U.S. patent 6,853,617). The Examiner has also rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Watson et al. in view of Kleine-Altekamp et al. (US 6,914,879). The Examiner's rejections are respectfully traversed as follows.

Claim 1 is directed towards a "method for forwarding data within a redundant system having an active network device and a standby network device." Claim 1 also requires "sending a first packet that forms part of a data connection" and "the first packet having a first send sequence number and the first packet being sent from the active network device to a receiver, wherein the data connection is a type of connection that tracks the sequence of data sent between the active network device and the receiver." Claim 1 further requires "receiving a second packet having an associated first receive sequence number, and the second packet being received into the active network device from the receiver" and "sending a third packet that forms part of the data connection from the active network device to the receiver, wherein the third packet has a second send sequence number." Claim 1 further requires "communicating the first send sequence number and the first receive sequence number to the standby network device without communicating the second send sequence number to the standby network device." Claims 13, 26, and 33 include components for performing the operations of claim 1. Since the first send sequence number and not the third send sequence number is communicated from the active network device to the standby network device, bandwidth resources between the two network devices may be conserved.

The cited reference Watson et al. generally is directed towards an active and backup processor for forwarding data during a TCP session. Watson et al. states explicitly that "the

input data stream passes first through the backup MCP and second through the active MCP" and that "the backup MCP has read <u>every</u> incoming message and captured <u>any</u> state change before it reaches the active MCP". (Col. 2, Lines 37-41, emphasis added). Although this passage appears to teach that all states are shared between an active and a backup device, Watson et al. fails to teach or suggest that a first send sequence number is communicated <u>without communicating a second send sequence number to the standby network device</u> even though a second send sequence number was sent by the active network device to the receiver. Additionally, this passage of Watson et al. teaches that the state information merely passes through the backup device on its way to the active device and not that such state information is <u>communicated</u> from the active device to the backup device, in the manner claimed. For example, Watson et al. does not teach that the active device sends this state information to the backup device or that the backup device obtains such state information by requesting it from the active device. For the foregoing reasons, it is respectfully submitted that claims 1, 13, 26, and 33 are patentable over Watson et al.

The Examiner's rejections of the dependent claims are also respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-12, 14-25, 27-32, and 34 each depend directly or indirectly from independent claims 1, 13, 26, or 33 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1, 13, 26, and 33. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art. For example, claim 12 requires "continuing to send a plurality of subsequent send packets that forms part of the data connection, each of the packets each having an associated send sequence number and the plurality of subsequent send packets being sent between the active network device to the receiver" and "continuing to receive a plurality of subsequent receive packets that each have an associated receive sequence number, and the subsequent receive packets being received into the active network device from the receiver in response to the subsequent send packets." Claim 12 also recites "periodically communicating some but not all of the send sequence numbers and the receive sequence numbers associated with the subsequent receive and send packets, respectively, to the standby network device as replacements for the first receive and send sequence numbers, respectively." As discussed above, the Watson et al. reference appears to teach that all the state information is received into the backup processor and accordingly, fails to teach or suggest sending some, <u>but not all</u> of the send sequence numbers and the receive sequence numbers, in the manner claimed.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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